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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,904	02/23/2004	Alexander Joffe	03191.000101.	7505

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EXAMINER	
RAPILLO, KRISTINE K	

ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/782,904	JOFFE ET AL.	
	Examiner	Art Unit	
	KRISTINE K. RAPILLO	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22-37* is/are pending in the application.

4a) Of the above claim(s) *1-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 August 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/23/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment submitted August 21, 2008. Claims 1 – 21 are cancelled. Claims 22 – 37 are new. Claims 22 – 37 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "… the selected controller confirms the information against the index information stored in the index database" is vague and indefinite. As the claim is currently disclosed, there is no information in the index database at this point as it has not been forwarded, thus confirmation would always be negative.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 22, 24, 26 – 31, and 33 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamroga et al., herein after Jamroga (U.S. Patent Number 6,574,742) in view of DiRienzo (U.S. Patent Number 6,006,191).

In regard to claim 22 (New), Jamroga teaches an image management system comprising:

a central server system (Abstract and Claim 1); and

an imaging facility which includes a remote image gateway (column 8, lines 37 – 43 and column 12, line 66 through column 13, line 12), wherein the imaging facility is constructed to obtain image data (column 11, lines 48 – 53), and wherein the remote imaging gateway is constructed to forward the image data to the central server system via a public network (column 4, lines 3 – 11 and column 11, lines 27 – 53);

wherein the central server system comprises:

a data store for storing the image data (Abstract; Figures 6 and 11; column 5, lines 25 – 27 and column 7, lines 2 – 17);

an index database for storing index information on the image data stored in the data store (column 12, lines 52 – 65);

plural controllers each constructed to conduct a controller session for providing access to the index information stored in the index database (column 7, lines 18 – 44) where a controller is interpreted as a gateway/interface per paragraph [0033] of the specification of the present application; and

plural handlers each constructed to conduct a handler session for providing access to the image data stored in the data store (column 7, lines 18 – 44 and column 8, lines 37 – 43) where a handler is interpreted as a gateway/interface per paragraph [0033] of the specification of the present application;

wherein, to forward image data from the imaging facility to the central server system (column 14, lines 49 – 56), the remote imaging gateway is constructed to select one of the plural controllers and to initiate a controller session with the selected controller (column 7, lines 18 – 44 and column 12, lines 54 - 65); and,

wherein during the controller session, the remote imaging gateway provides information on the image data being forwarded to the selected controller via the public network, the selected controller confirms the information against the index information stored in the index database (claim 1), and

the selected controller selects one of the plural handlers and provides the address of the selected handler to the remote imaging gateway (column 13, lines 45 – 51).

Jamroga fails to teach a system comprising: wherein the remote imaging gateway is further constructed to thereupon initiate a handler session with the selected handler at the address provided by the selected controller and wherein during the handler session, the remote imaging gateway transmits the image data being forwarded to the selected handler via the public network, and the selected handler passes the image data to the data store for storage thereby.

DiRienzo teaches a system comprising: wherein the remote imaging gateway is further constructed to thereupon initiate a handler session with the selected handler at the address provided by the selected controller (column 14, lines 21 – 40 and column 23, lines 14 – 43) and wherein during the handler session, the remote imaging gateway transmits the image data being forwarded to the selected handler via the public network, and the selected handler passes the image data to the data store for storage thereby (Abstract; column 3, lines 47 – 58; and column 10, liens 5 – 22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system comprising: wherein the remote imaging gateway is further constructed to thereupon initiate a handler session with the selected handler at the address provided by the selected controller and wherein during the handler session, the remote imaging gateway transmits the image data being forwarded to the selected handler via the public network, and the selected handler passes the image data to the data store for storage thereby as taught by DiRienzo, within the system of Jamroga, with the motivation of providing a system for transmitting medical images via a computer system over a high speed communication channel (claims 16 and 17).

In regard to claim 24 (New), Jamroga and DiRienzo teach an image management system according to Claim 22. Jamroga further teaches a system wherein during the controller session, the selected controller compares identification information received from the remote imaging gateway with the stored information (column 5, lines 38 – 48), and sends the address for the selected handler if the received identification information corresponds with the stored index information (column 9, lines 1 – 22 and column 12, lines 29 – 65).

In regard to claim 26 (New), Jamroga and DiRienzo teach an image management system according to Claim 22. Jamroga further teaches a system wherein the remote imaging gateway is configured to communicate via the public network using only self-initiated communication sessions (column 9, lines 48 - 59) where applying a digital signature allows communication over a network, thus, self initiating a communication session.

In regard to claim 27 (New), Jamroga and DiRienzo teach an image management system according to Claim 26. Jamroga further teaches a system wherein communication sessions initiated by the remote imaging gateway use an authenticated and secure protocol (column 9, lines 1 – 22).

In regard to claim 28 (New), Jamroga and DiRienzo teach an image management system according to Claim 26. Jamroga further teaches a system wherein the remote imaging gateway initiates a controller session with one of the plurality of controllers selected by the remote imaging gateway at a configured interval to forward status information (column 12, lines 12 – 28).

In regard to claim 29 (New), Jamroga and DiRienzo teach an image management system according to Claim 26. Jamroga further teaches a system wherein the selected controller sends configuration instructions to the remote imaging gateway (column 12, lines 29 – 65).

In regard to claim 30 (New), Jamroga and DiRienzo teach an image management system according to Claim 26. Jamroga further teaches a system wherein the selected controller sends programming instructions to the remote imaging gateway (column 8, lines 1 – 23).

In regard to claim 31 (New), Jamroga and DiRienzo teach an image management system according to Claim 22. Jamroga further teaches a system comprising a display unit for displaying image data stored in the central server system (column 8, lines 1 – 23), wherein the display unit obtains the data to be displayed via the network from one of the plural handlers identified by one of the plural controllers

during a control session initiated in response to a request received from the display unit (column 8, lines 44 – 67 and column 12, lines 29 – 65).

In regard to claim 33 (New), Jamroga and DiRienzo teach an image management system according to any one of Claims 22 to 32. Jamroga further teaches a system comprising a plurality of central server systems (Abstract and claim 1), wherein the plurality of central server systems are physically remote from each other (column 7, lines 18 - 44 and column 10, lines 22 - 52).

DiRienzo further teaches a system wherein the imaging facility selects one of the plurality of controllers of one of the plurality of central server systems to send identification information on the received data in accordance with a set of predetermined rules (column 3, lines 24 – 35).

The motivation to combine the teachings of Jamroga and DiRienzo is discussed in the rejection of claim 22, and incorporated herein.

In regard to claim 34 (New), Jamroga and DiRienzo teach an image management system according to Claim 33. Jamroga further teaches a system wherein index information on data managed by the image management system is updated in the index database of each of the plurality of central server systems when a change to the index information is made in any one of the index databases (column 12, lines 52 – 65).

In regard to claim 35 (New), Jamroga and DiRienzo teach an image management system according to Claim 33. Jamroga further teaches a system wherein image data stored in the data store of each of the plurality of central server systems is periodically updated to reflect changes made to image data stored in any one of the data stores (claim 42).

In regard to claim 36 (New), Jamroga and DiRienzo teach an image management system according to Claim 22. Jamroga further teaches a system wherein, for the controller session, the remote imaging gateway selects one of the plural controllers using a dithering method or a round-robin method

so as to provide passive load balancing between all of the plural controllers (column 15, lines 5 – 57) where Jamroga discloses an algorithm.

In regard to claim 37 (New), Jamroga and DiRienzo teach an image management system according to Claim 22. Jamroga further teaches a system wherein, for the handler session, the selected controller selects one of the plural handlers from among a list of available handlers that is ordered so as to provide passive load balancing between all of the plural handlers (column 12, lines 29 – 65 and column 13, line 45 through column 14, line 10).

6. Claims 23, 25, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamroga and DiRienzo, and further in view of Imanaka et al., hereinafter Imanaka (U.S. Publication Number 2002/0026384 A1).

In regard to claim 23 (New), Jamroga and DiRienzo teach an image management system according to Claim 22. Jamroga and DiRienzo fail to teach a system wherein the plurality of controllers are redundant, and the plurality of handlers are redundant.

Imanaka teaches a system wherein the plurality of controllers are redundant, and the plurality of handlers are redundant (Figure 3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a system wherein the plurality of controllers are redundant, and the plurality of handlers are redundant as taught by Imanaka, within the system of Jamroga and DiRienzo, with the motivation of providing users with the means to access data using more than one web page or web site (paragraph [0409]).

In regard to claim 25 (New), Jamroga and DiRienzo teach an image management system according to Claim 24. Jamroga and DiRienzo fail to teach a system wherein if the identification

information received from the remote imaging gateway does not correspond with the stored index information, the received data is marked for deletion and the controller session is terminated.

Imanaka further teaches a system wherein if the identification information received from the remote imaging gateway does not correspond with the stored index information, the received data is marked for deletion and the controller session is terminated (paragraph [0312]).

The motivation to combine the teachings of Jamroga, DiRienzo, and Imanaka is discussed in the rejection of claim 23, and incorporated herein.

In regard to claim 32 (New), Jamroga and DiRienzo teach an image management system according to Claim 31. Jamroga and DiRienzo fail to teach a system wherein the display unit is a web browser.

Imanaka teaches a system wherein the display unit is a web browser (paragraphs [0408], [0409], [0413], and [0414], [0415], and [0553]).

The motivation to combine the teachings of Jamroga, DiRienzo, and Imanaka is discussed in the rejection of claim 23, and incorporated herein.

Response to Arguments

7. Applicant's arguments filed August 21, 2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed herein below in the order in which they appear in the response filed August 21, 2008.

8. In response to the applicant's argument, it is respectfully submitted that the Examiner has applied new prior art to the new claims 22 - 37. The Examiner notes that the new limitations were not in the previously pending claims as such; Applicant's remarks with regard to the application of Felsher and Imanaka are moot in light of the addition of the Jamroga and DiRienzo references.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Felsher (U.S. Publication Number 2002/0010679 A1) discloses an information record infrastructure, system and method.

Bradbury et al. (U.S. Publication Number 2002/0059049 A1) discloses a system and methof for rapidly customizing design, manufacture and/or selection of biomedical devices.

Hanna et al. (U.S. Publication Number 2004/0141661 A1) discloses intelligent medical image management system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINE K. RAPILLO whose telephone number is (571)270-3325. The examiner can normally be reached on Monday to Thursday 6:30 am to 4 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Luke Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KKR

/Robert Morgan/
Primary Examiner, Art Unit 3626